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BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Application Number: 09/963,435
Filing Date: September 27, 2001
Appellant(s): BLAUKOPF ET AL.

Robert C. Kowert
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 3/13/2006 appealing from the Office action mailed 10/3/2005.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

5719942	Aldred et al.	3-1995
5680549	Raynak et al.	12-1994
6005568	Simonoff et al.	9-1997
5423042	Jalili et al.	10-1992

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 103

1> The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2> Claims 1, 12 and 20 are rejected under 35 U.S.C § 103(a) as being unpatentable over Aldred et al, U.S Patent No. 5.719.942 ["Aldred"], in view of Raynak et al, U.S Patent No. 5.680.549 ["Raynak"].

3>   Aldred discloses a method of communicating function calls or event notification ·

between two applications [column 12 «lines 44-51»], said method comprising:

a first application launching a second application wherein the launching of the second

application includes the first application passing parameters to the second application

[column 5 «lines 51-63» | column 6 «lines 39-49» | column 7 «lines 33-62» | column 12 «lines

57-61»column 11 «lines 27-39» | column 29 «lines 8-19» | column 36 «lines 3-52» where:. Aldred

clearly discloses a "launch_app" function that is "issued by an application", the launch_app

having parameters that are "given to the launched application"].

Aldred does not expressly disclose storing the port numbers in a memory accessible to

the second application nor does he disclose that the parameters passed in the launch_app are

port numbers.

4>   Aldred does disclose storing a customization file in a repository, the file containing

configuration and start-up options as well as information relating to physical links [column

10 «lines 37-50» : LAKES.INI file] but does not explicitly disclose storing the port numbers.

It is implicit to Aldred that the port numbers are stored in a memory accessible to both

applications because Aldred discloses the LAKES.INI file contains configuration, start-up,

and physical link information. Ports are related to configuration and physical link

information of the applications. Furthermore, applications are able to alter ports and channels

after having been initially established [column 8 «lines 49-55» | column 12 «lines 36-42»].

Therefore, the port and channel information must be stored in a place, such as the

LAKES.INI file associated with the applications, that can be accessed by the applications in a

manner that enables them to modify them as disclosed by Aldred. One would have been

motivated to perform such an implementation as storing connection (port) information for

applications is expected and well known in the art as it allows the applications to maintain

connection flexibility.

5>   While Aldred does not expressly disclose passing ports as parameters in the

launch_app function. However, such functionality is suggested by Aldred's disclosure that a

sending application is responsible for establishing channels and the channels being defined

by ports [column 6 «lines 17-32»]. Further, Aldred discloses that after an application has been

launched, the launched application's handle is returned to the launching application [column

11 «lines 33-34»] and there is return data to the launched application [column 11 «lines 36-38»].

Such functionality suggests that a channel has already been established between the launched

and launching application.

Further, Raynak is directed towards a system for enabling a first application to invoke

a second application. The first application passes to the second application port and

connection information as part of launching the second application as command-line

parameters [Figure 4 | column 1 «lines 11-24» | column 6 «lines 32-57»]. Examiner notes that

the second application uses the port information to take over the connection from the first

application, and thus is not completely analogous to the second application in Aldred.

However, the functionality relied upon in Raynak is that port and other connection

information is transmitted by a launching application to a launched application. It would be

obvious to one of ordinary skill in the art to incorporate Raynak's command-line parameters

into Aldred's launch_app parameters to enable the launched application. As mentioned, Aldred's disclosure of handle and return data being transmitted between the launched application and the launching application in response to the launch_app function suggests that a connection is established between the applications. Thus, Raynak's command-line parameters teaches that Aldred's launch_app parameters could include port information.

6>   As claim 12 is merely an article that performs the steps of the method of claim 1, it does not teach of further define over the limitations of claim 1. Therefore, claim 12 is rejected for the same reasons set forth in claim 1, <u>supra</u>.

7>   As to claim 20, Aldred discloses a device, comprising:

a processor [column 3 «lines 65-66»];

a memory coupled to the processor [column 3 «lines 65-67» | column 4 «lines 39-43»],

wherein the memory comprises program

instructions configured to implement:

the limitations of the method of claim 1 [see claim 1, supra].

8>   Claims 2-6, 8-11, 13-17, and 19 are rejected under 35 U.S.C § 103(a) as being unpatentable over Aldred and Raynak, in further view of Simonoff et al, U.S Patent No. 6.005.568 ["Simonoff"].

9>   As to claim 2, Aldred does not explicitly disclose the method comprising the second

application connecting a TCP/IP client socket to the event port.

10>   Connecting a TCP/IP socket to a port is well known and expected in the art. For

example, Simonoff discloses establishing a socket connection on a given port [column 8

«lines 63-65» | column 10 «lines 13-27»]. In addition, it is well known in the art that sockets

are commonly defined in part by a port address. Therefore, as Aldred discloses event ports as

endpoints to the two-way communication channel, it would have been obvious to one of

ordinary skill in the art to have reasonably inferred that TCP/IP socket functionality would

have been included in Aldred's system.

11>   As to claim 3, Aldred does not explicitly disclose the method comprising connecting a

TCP/IP client socket to the command port.

12>   Connecting a TCP/IP socket to a port is well known and expected in the art. For

example, Simonoff discloses establishing a socket connection on a given port [column 8

«lines 63-65» | column 10 «lines 13-27»]. In addition, it is well known in the art that sockets

are endpoints of a two-way communication link and are commonly defined in part by a port

address. Therefore, as Aldred discloses command ports as endpoints to the two-way

communication channel, it would have been obvious to one of ordinary skill in the art to

have reasonably inferred that TCP/IP socket functionality would have been included in

Aldred's system, and specifically, that establishment of the TCP/IP socket would connect to

both ports located on either end of the channel.

13>   As to claim 4, Aldred does disclose storing the connection parameters of streams

between applications [column 4 «lines 44-54» | column 7 «lines 44-62» | column 8 «line 56» to

column 9 «line 5»].

It is well known in the art that sockets are endpoints of a two-way communication

link and are commonly defined in part by a port address. Therefore, as Aldred discloses event

ports as endpoints to the two-way communication channel, it would have been obvious to

one of ordinary skill in the art to have reasonably inferred that TCP/IP socket functionality

would have been included Aldred's system, and specifically, that the Aldred's stream

connection parameters (IP address, bandwidth, ports, quality of service, etc.) would be

applied to client sockets.

14>   As to claim 5, Aldred discloses the method of claim 2, further comprising passing a

function reference value through the command port connection [column 24 «lines 52-61»].

15>   As to claim 6, Aldred discloses the method of claim 3, further comprising passing a

function parameter through the command port connection [column 24 «lines 39-42» | column

35 «line 48» to column 36 «line 65» : see for example, the "parameters" passed along with the

launch_app function].

16>   As to claim 8, Aldred discloses the method of claim 2, further comprising passing an

event notification tag through event port connection [column 31 «line 59» to column 32 «line

67»].

17>   As to claim 9, Aldred discloses the method of claim 8, further comprising checking

the event port for an event notification tag [column 25 «lines 23-27» | column 30 «lines 48-51»

where: the command initiates monitoring for events at the port].

18>   As to claim 10, Aldred discloses the method of claim 9, further comprising checking

the command port in response to receiving an event notification tag [column 25 «line 53» to

column 26 «line 10»].

19>   As to claim 11, Aldred discloses the method of claim 9, passing through the event port

connection an event port notification tag relating to the completion of a function [column 37

«lines 1-9»].

20>   As to claims 13-17 and 19, as they are merely articles that perform the steps of the

method of claims 2-6 and 8, respectively, they do not teach or further define over the

limitations of claims2-6 and 8. Therefore, claims 13-17 and 19 are rejected for the same reasons

set forth for claims 2-6 and 8, supra.

21>   Claims 7 and 18 are rejected under 35 U.S.C § 103 (a) as being unpatentable over

Aldred, Raynak and Simonoff, in further view of Jalili et al, U.S Patent No. 5.423.042

["Jalili"].

22>   Simonoff does disclose the method of claim 5 further comprising passing a value of

memory location [column 36 «lines 34-37»] but does not specifically disclose storing a result

of a function trigger by the passing of the function reference value.

23>   Jalili discloses passing a value of a memory location for storing result of a function

trigger by the passing of the function reference value [abstract | column 10 «lines 33-48»]. It

would have been obvious to one of ordinary skill in the art to incorporate Jalili's memory

location for storing results of functions into Simonoff's pointer functionality to

communicate to the second application where to store the results of a function.

24>   As claim 18 is merely an article that performs the steps of the method of claim 7, it

does not teach of further define over the limitations of claim 7. Therefore, claim 18is rejected

for the same reasons set forth in claim 7, <u>supra</u>.

(10) Response to Argument

I.   <u>Claims 1, 12, and 20</u>

Claims 1, 12 and 20 stand finally rejected as being unpatentable over Aldred, in view of

Raynak. Applicant argues that Aldred and Raynak do not teach a first application launching a

second application, where the launching of the second application includes the first

application passing an event and command port number to the second application.

A.   Aldred, in view of Raynak disclose the claimed limitations

Claim 1 discloses a first application launching a second application, the launch

including passing of event and command port numbers are passed to the second

application and wherein the port numbers are stored in a memory. Claim 1 does not

disclose establishing connections utilizing the port numbers as part of the launching

(this functionality is seen in the dependent claims) or configuring the ports.

As discussed by Applicant, Aldred is concerned with the establishment of

channels between two applications, one operating at a source node and the second

operating at a destination node [column 1 «lines 11-13 and 61-65»]. Aldred discloses

that a first application may invoke a second application utilizing a "launch_app"

function [column 29 «lines 19-20»]. This "launch_app" function consists of several

variables, including parameters consisting of a user-specified string that is given to

the second application as part of the launching process [column 36 «lines 21-44»]. As

set forth in the final Office action, filed 10.3.2005, the functionality of passing port

numbers as the parameters within the "launch_app" function was not expressly

disclosed in Aldred, but it is obvious based on Aldred's disclosure that a channel (a

network connection established between a first application and a second application)

is always defined by the first, sending application [column 6 «lines 20-24»]. Channels

are defined by their receiving and sending ports [column 6 «lines 24-26»].

Raynak further teaches this feature. Raynak discloses two applications with

one application launching a second application, passing the second application various

parameters, including as port information, that allows the second application to

communicate over a network [column 6 «lines 36-65»]. The passing of the port

information to the launched application is necessary in order for the launched

application to properly utilize the established network connection. While not

precisely the same, this functionality is similar to Aldred's first and second

applications. Thus, it would have been obvious to one of ordinary skill in the art to

utilize the parameters of Aldred's launch_app function to pass Aldred's command and

event port numbers from a launching application to a launched application, as taught

by Raynak.

B.   Applicant's arguments are unrelated to the claimed limitations

Applicant makes several arguments but they are unrelated to the limitation of

passing port information between a first and second application. In support of these

arguments, Applicant discusses several features of Aldred, such as Aldred's support

system software, call managers and the need for launched applications to register to

identify itself to the system. Applicant discusses these features in the context of

Aldred establishing channels between applications or configuring port numbers after

an application has launched. However, establishing channels or configuring ports

have no bearing on the limitation of whether port numbers are passed to an

application at the time it is launched.

Indeed, according to Applicant's claim 1 and Applicant's specification, when

port numbers are passed to the launched application, the launched application merely

stores the numbers. There are no limitations with regards to establishing

communications or even configuring the ports. Thus, the prior art references need

only teach passing of port numbers between one application to a second application,

not establishing communications or configuring the ports as part of the launching

process. It should be clearly noted that Applicant's claim 1 does not at all discuss

configuring ports or even establishing a connection to said port, but merely that the

ports are passed along to the launched application - no other action is taken.

It seems that it is Applicant's position that Aldred teaches that port

information is only submitted upon establishment of connections or configuring of

ports. That is, Applicant asserts that Aldred cannot teach passing port numbers to a

launched application simply because Aldred discloses mechanisms for passing port

information after an application has been launched. However, Aldred does not

support this supposition. Aldred merely discloses several functions that enable

specifying port information but in no way does he limit other times when the port

information can be submitted between the applications.

In regards to Applicant's arguments, Applicant's first argues that the purpose

of Aldred's support system, to establish and configure communication channels,

supports the assertion that applications need not pass port numbers when launching.

However, it is unclear why this asserted purpose of Aldred's support system necessitates the conclusion that a launching application cannot pass port numbers to a launched application. Applicant's argument seems to imply that because the support system is responsible for establishing and configuring ports, applications do not need to pass port numbers when launching a second application. However, establishing and configuring ports after an application has been launched is not at all related to whether port information may be passed from a launching application to a launched application.

Applicant next addresses the register functionality whereby all of Aldred's launched applications must register with the support system to fully identify itself and to properly communicate. The fact that a launched application must register to identify itself also does not necessitate the conclusion that a first application need not pass port information to a second application upon launching. Applicant places great emphasis throughout the Brief on the fact that a launched application must first register before it is able to communicate over the system. Contrary to Applicant's characterizations, Aldred does not suggest or teach a that because a launched application must register to identify itself to communicate over the network, that port information cannot be passed to an application when it is launched.

Aldred discloses a "launch_app" function with parameters that enable a launching application to supplied user defined parameters to a launched application, but did not expressly teach port information as part of these parameters. Raynak was relied upon to expressly teach the limitation of passing port information to a launched

application. Applicant's arguments seem to imply that the port information is only

received at a launched application after it has been launched since Aldred's launched

application's communications are limited until registering itself. However, nothing in

Aldred supports this argument.

Applicant's argument that "ports...are only configured after an application has

registered with the support system" (Appeal Brief, pg. 7, ¶1) is particularly indicative.

First, Applicant bases this assertion on Aldred's disclosure of a limited use handle that

is only valid in restricted circumstances until the launched application has registered.

Nothing in this citation suggests that ports are configured after an application has

registered. Second, whether or not Aldred teaches that ports are configured after

registering is entirely unrelated to the limitation of whether port information may be

passed as part of launching the application. According to Applicant's claim 1, the

launched application merely need to store the port information. It is in the dependent

claims, such as claim 2, where Applicant discloses establishing connections between

the applications. Launching of an application does not necessitate establishing of

connections or configuring of ports.

Next, Applicant focuses on the difference between establishing the channel

and defining the channel characteristics. Applicant asserts that Aldred merely

discloses defining the channel characteristics, not establishing the channel. See

Appeal Brief, pg. 8, ¶3. This argument is unrelated to whether or not port numbers are

passed to a launched application. Indeed, the fact that a launching application is

responsible for defining the channel characteristics (including the ports) supports the

idea that the port numbers must be passed to the launched application. That is, the launching application must notify other applications of the channel characteristics, such as which ports to use, so that these other applications may use the channel to communicate with the launching application. Whether or not the launching establishes the channel itself, as argued by Applicant, is unrelated to whether or not the channel characteristics are passed as part of launching another application. As discussed earlier and as supported by Applicant's own dependent claims, launching of an application is not the same as establishing communications with the application.

Thus, Applicant's focuses on Aldred's features, such as the establishment of channels or configuration of ports, that happen after an application has already been launched. No where in Aldred is there any teaching that port numbers are only submitted after an application has been launched. Aldred merely discloses several features that allow applications to pass port numbers as part of establishing communications but Aldred does not limit other times, such as during the launching of a second application, when these port numbers may be passed. Raynak in fact discloses a benefit of submitted the port information at the time an application is launched.

C.   Aldred does not teach away from an application passing port numbers to a second application

Applicant argues in substance that Aldred teaches away from passing port numbers as parameters within the "launch_app" function. Applicant argues that

Aldred already includes a mechanism to initiate and configure ports and channel between application because an application must first register with a call manager and joining a share set before initiating or configuring channels. Like Applicant's previous arguments, this argument shifts the focus away from the limitation set forth in the claim – that port numbers are passed to a second application as part of the launching process. Applicant's arguments imply that the configuring or initiating of channels is part of the launching process but this is clearly not true. Applicant's dependent claims, such as claims 2 and 3, disclose that the launched application establishes a connection after it has been launched, not as part of the launching process.

Further, Applicant argues that modification of Aldred with Raynak's teachings are improper. Applicant again points to the features of Aldred related towards initiating and configuring channels and ports as teaching away from Raynak's inclusion of port information as parameters for launching a second application. However as discussed above, Aldred's sharing set and call manager are entirely unrelated towards the launching of a second application. The mere fact that they may aid an application in initiating and configuring a channel does not teach away from passing port numbers as part of launching an application, which is taught by Raynak. Thus, what is being modified is Aldred's "launch_app" function, and specifically, the parameters (user specified string) that enable a launching application to communicate with the launched application. Raynak discloses passing port information as part of launching a second application in order for the second application to be aware of which port to utilize if he desires to communicate over the network. This

functionality is entirely consistent with Aldred's goals of establishing

communications for applications.

Applicant also contends that Aldred has a specific set of APIs allowing

applications to setup command and event ports, including specifying numbers.

However, Applicant's argument that port numbers are not passed as part of launching

an application does not follow simply because Aldred discloses a set of commands to

configure ports. Having a different set of commands to configure ports does not teach

away from passing port numbers to a launched application. Aldred does not expressly

state that port numbers are only passed between applications utilizing the specific set

of APIs. Thus, Aldred cannot teach away from passing the port numbers as part of

the launching process.

Next, Applicant argues that modifying Aldred to include passing an event port

number and a command port number to an application as part of launching that

application changes the principle of operation of Aldred's system. This argument is

based on Applicant's characterization of Aldred's call managers and support system

that initiate and configure communications between applications. As discussed above,

even if Applicant's characterization is accurate, the features discussed are entirely

separate from the limitation of passing port numbers as part of the launching process.

Initiating and configuring communications between applications is not the same

feature as a first application launching a second application.

Finally, Applicant contends that there is no proper motivation for combining

the teachings of Aldred and Raynak. There are three possible sources for a motivation

to combine references: the nature of the problem to be solved, the teachings of the

prior art, and the knowledge of persons of ordinary skill in the art." *In re Rouffet*, 149

F.3d 1350, 1357, 47 USPQ2d 1453, 1457-58 (Fed. Cir. 1998). Here, the motivation to

combine comes from the nature of the problem to be solved. Both Aldred and Raynak

deal with establishing communications for a newly launched application. Aldred

provides a mechanism in his "launch_app" function and its parameters that would

enable an application to pass various parameters to a launched application. Raynak

supplements Aldred by explicitly describing a means by which port information is

passed from one launching application to a second launched application. The passing

of the port information enables the launched application to properly communicate

over a network [see Raynak, column 6 «lines 50-54»]. Thus the reason for modifying

Aldred with Raynak is to enable a launched application to be aware of the necessary

port information in order to communicate over a network when it is launched.

II.   Claims 5 and 16

        Aldred discloses that applications communicate with one another through channels

[column 6 «lines 16-20»]. These channels have a sending port and a receiving port [column 6

«lines 24-26»]. There are three types of ports: event, command and null. The purpose of

event ports are for only generating an event when data is available or required [column 7

«lines 45-46»]. The purpose of null ports is reserved only for ports that are unable to supply

data [column 7 «lines 47-50»]. The purpose of the command port, on the other hand, is for

allowing applications to receive and supply data to other applications [column 7 «lines 46-

47»]. Thus, while not expressly stated, it would be clear that the majority of data that is passed between applications is passed through the command port of a channel.

Applicant argues that Aldred does not disclose passing a function reference value through the command port connection. Applicant's specification provides no clear guidance for interpreting a function reference value or that such a value is passed through a command port (see §112 rejection in section 9). Instead, the specification describes a function reference number that simply is used to identify a function. Similarly, Aldred discusses utilizing a reference identifier that identifies certain API calls. These calls are analogous to functions. Aldred discusses that these calls result in applications communicating information, such as event information and the reference identifiers, between each other [column 24 «lines 39-61»].

Since Aldred discloses utilizing command ports only for the passing back of data between applications, it would have been obvious to one of ordinary skill in the art that these reference identifiers, that refer to the calls, would be passed through the command port (while the event information is passed through the event port).

Applicant again references the support system suggesting that the reference identifiers are passed between the support system and an application. However, nothing in the cited section of Aldred even mentions a support system [column 24 «lines 39-61»]. The cited section instead discusses the communications that occur between applications during an API call, including the communication of event information and reference identifiers.

III.   <u>Claims 6 and 17</u>

As discussed in claims 5 and 16, Aldred discloses utilizing command ports for receiving and supplying data between applications. Aldred clearly establishes that the event port is merely for generating an event when data is available or required. Any data that is submitted between applications is actually sent through the command port. Aldred clearly regards parameters of a command call as data [see, for example, column 13 «lines 58-60» | column 36 «lines 23-44»]. That is, these parameters clearly represent data values such as user specified strings or application handles. Aldred also discloses that these parameters are transmitted between applications [column 12 «lines 40-64»]. Thus, it stands to reason that since the function parameters are data values, the parameters are passed between applications and Aldred utilizes command ports to pass data, that the function parameters are passed only through the command ports.

IV.   Claims 7 and 18

Applicant argues that Jalili does not teach passing a value of a memory location for storing results of a function. It should be noted that the claim fails to specify who passes the value and who receives the value of the memory location. Jalili discloses that the server may pass memory locations (in the form of pointers): "the server passes the ITP (the location of this space) to the entry function where the ITP is stored in the entry function argument" [column 7 «lines 30-33»]. Additionally, Jalili discloses: "The function is passed the value in the state field 288 which points to the pre-allocated space where the arguments to the function reside" [column 9 «lines 35-37»]. Jalili thus discloses the passing of a value of a memory location for storing results of a function.
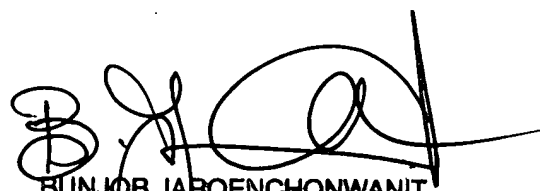
(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the

Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.
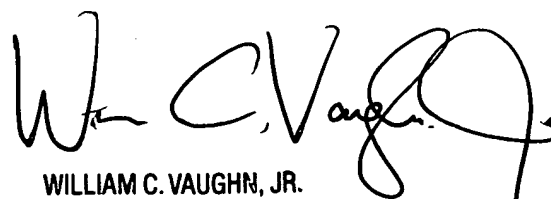
Respectfully submitted,

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May 25, 2006

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